

# CITY OF DUNWOODY, GA

## CITY COUNCIL

Ken Wright, Mayor

Denis Shortal – District 1, Post 1  
VACANT - District 2, Post 2  
Tom Taylor – District 3, Post 3  
Robert Wittenstein – At Large, Post 4  
Danny Ross – At Large, Post 5  
John Heneghan – At Large, Post 6

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Wednesday, October 1, 2008

Regular Meeting

7:00 PM

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**A) CALL TO ORDER**

**B) ROLL CALL AND GENERAL ANNOUNCEMENTS**

**C) PLEDGE OF ALLEGIANCE**

**D) MINUTES** (*none to approve at this time*)

(Agenda Item 10-001)

**E) APPROVAL OF MEETING AGENDA** (*add or remove items from agenda*)

**F) PUBLIC COMMENT**

**G) CONSENT AGENDA** (*none at this time*)

**H) UNFINISHED BUSINESS:** (*None at this time*)

**I) REPORTS AND PRESENTATIONS**

1. Discussion of City Implementation options.

**I) NEW BUSINESS:**

(Agenda Item 10-002)

1. Consideration of approval of a Resolution adopting and approving the City Council Rules and Procedures.  
(Presented by Transition Attorney Brian Anderson)

(Agenda Item 10-003)

2. Consideration of approval of a Resolution appointing an Acting City Clerk.  
(Presented by Transition Attorney Brian Anderson)

(Agenda Item 10-004)

3. Consideration of approval of a Resolution appointing an Acting City Attorney.  
(Presented by Mayor Ken Wright)

**(Agenda Item 10-005)**

4. Consideration of approval of Resolution approving a City Seal for the City of Dunwoody.  
*(Presented by Transition Attorney Brian Anderson)*

**(Agenda Item 10-006)**

5. Consideration of approval of Resolution designating Legal Organ for official publication and notices of the City.  
*(Presented by Transition Attorney Brian Anderson)*

**(Agenda Item 10-007)**

6. Consideration of approval of Resolution adopting a Regular Meeting and Work Session Schedule for the City Council.  
*(Presented by Transition Attorney Brian Anderson)*

**(Agenda Item 10-008)**

7. Consideration of approval of Resolution adopting the City of Dunwoody Mission Statement, Vision and Values Statement.  
*(Presented by Transition Attorney Brian Anderson)*

**(Agenda Item 10-009)**

8. Consideration of approval of Ordinance providing for the continuation of ordinances and law during the legislatively established transition period for the City of Dunwoody (First Read).  
*(Presented by Transition Attorney Brian Anderson)*

**(Agenda Item 10-010)**

9. Consideration of approval of Ordinance adopting Chapter 1 (General Provisions) of the City of Dunwoody Code of Ordinances (First Read).  
*(Presented by Transition Attorney Brian Anderson)*

**(Agenda Item 10-011)**

10. Consideration of approval of Ordinance adopting Chapter 2 (Administration) of the City of Dunwoody Code of Ordinances (First Read).  
*(Presented by Transition Attorney Brian Anderson)*

11. Discussion of the contract with Boyken International for implementation of City services.  
*(Presented by Transition Attorney Brian Anderson)*

**12. (Agenda Item 10-012)**

Consideration of approval of Resolution approving and adopting the contract with CH2MHill for implementation of City services.  
*(Presented by Transition Attorney Brian Anderson)*

**J) OTHER BUSINESS** *(none at this time)*

**K) PUBLIC COMMENT**

**(Agenda Item 10-013)**

**L) ADJOURN**

# City of Dunwoody, Georgia

## Inauguration Ceremony

Wednesday, September 24, 2008

7:30 PM

### Opening

Mr. Don Converse opened the ceremony by welcoming everyone to the first ever swearing in ceremony for the Mayor and City Council for the City of Dunwoody.

### Presentation of Colors

The audience rose for the Presentation of Colors by the Boy Scout Troop 764 and remained standing for the Pledge of Allegiance.

### Invocation

Mr. Converse introduced Rabbi Binyomin Friedman, Congregation Ariel, who gave the invocation.

Rabbi Friedman stated the following:

"When the Israelites were in the desert, they were commanded to build a tabernacle. Upon completion of tabernacle, the Bible tells us, the building was filled with a dense cloud. It was the cloud of God coming to take residence in that new tabernacle. After the building filled with the cloud, Moses and Aaron entered the building. They prostrated themselves before God. They came out of the tabernacle and they faced the assembled multitude. They blessed the people. Standing here before God and the citizenry of the City of Dunwoody, it is my honor to pass on the blessing that Moses and Aaron conferred to the people upon the completion of their endeavor to this gathering as well as all of these elected officials upon the completion of their endeavor and the inauguration of this new, and very important mission of theirs, the creation of the City of Dunwoody. Moses said to the people, V'hinoam Adonai Elokeinu Aleinu, may the pleasantness of the Lord be upon us. U'machi yadeinu, may the work of our hands konono aleinu, establish us. U'machi yadeinu konono aleinu, and he repeated, may the work of our hands establish us. This is the last sentence of Psalms 90 which is attributed to Moses. What does that mean? May the work of our hands establish us and why did he repeat those words. First of all, may the work of our hands establish us. You have worked very diligently to create the City. You have worked and offered yourself to serve hastily the citizenry of this City and we pray, may the work of your hands establish you. Through this work, through this endeavor, may you become the people that God has destined for you to become. The second time it was repeated for the institution and we pray to God, may the work our hands establish us. We, who have come together to create this bold new venture, pray that God bless us all and that this venture be very successful and that it create for us what we hope that we can be. That it creates for us what we hope for our children and for our future. May the work of our hands establish us, may the work of our hands establish us. Amen".

### Welcome

Mr. Don Converse gave a brief history of the birth of the City. He stated that most people think that this attempt at cityhood started a few years back but in fact it issues of the Dunwoody Crier from the 1970's show that people were discussing it at that time. There were many obstacles. The only option at the time was to be annexed by another city. The idea of cityhood lay foul for several years. Sandy Springs never let loose of the idea that they could become a city and with time and political changes in the legislature it was made possible. A little over three years ago, Dan Webber and a small group of people formulated the idea that maybe it is time to float this thing again. A meeting was called at Perimeter College, about a hundred people came and Citizens for Dunwoody was formed. That group was designed to be a fact finding group to help to find out if it was even feasible to be a city or not. The first thing they did was engage the Carl Vinson Institute at University of Georgia to do a study. Task forces were formed to study cityhood. Both came to the conclusion that even though it might be difficult, it was feasible to be a city.

The first year it went to the legislature and failed. They licked their wounds and reformulated the strategy and waited for the next legislative session. The second time it went to the legislature and failed again. They went back and licked their wounds again and waited for another opportunity. The third time around, it was at death's door in one of the committees, it was dead. Some kind of miracle happened that can only be explained by the politicians at the state house. It was resurrected, made it to the floor, was voted on and passed with a pretty good margin of victory. It was then put on the ballot as a referendum. This past July, 80% of the voters voted in favor of the measure. In mid-September, we voted to see who the office holders were going to be. That is where we are tonight.

Mr. Don Converse introduced Councilman Elect John Heneghan, Councilman Elect Tom Taylor, Councilman Elect Denis Shortal, Councilman Elect Robert Wittenstein, and Mayor Elect Ken Wright.

### **Remarks**

**Mr. Gordon Jackson, President, Dunwoody Homeowners Association** stated that this is an auspicious occasion. I think we are gathered here this evening to witness a transaction. That transition is from the government as we knew it to a new form of government. Now the Dunwoody Homeowners Association has, for a number of years, been the de facto government of Dunwoody for many people and in some cases have been considered to be the government of fact. He stated that he has received many calls and email regarding pot holes, traffic timing, or traffic backing up, and the question of doing something about the apartments. In many cases, they sent the caller to Dekalb County. As we move forward in this transition, many of those calls will go to the City of Dunwoody. In this case, if the calls do not get handled correctly, you know who to call. The concept of the City of Dunwoody has been around as long as DHA. Don mentioned the trail this has been on and the ground breaking that Sandy Springs has done. This gave rise to Dunwoody. The bill passed both houses and the governor signed it. Then there was a referendum. During the July 4<sup>th</sup> parade, a great number of people were lining Mt. Vernon. He was riding down the parade route in the ATV golf cart waving to the crowd. One of the things from that parade that stayed with him to this day was a lady holding a homemade sign that read "Independence Day July 15, 2008". That was the date of the referendum. That became Dunwoody's second Independence Day. The election followed the referendum and a great slate of candidates. For those of you who did not make it on the election, there is a seat for you at DHA. District 2 still has a run-off race. He recognized Adrian Bonser and Larry Pankey. Mr. Pankey was not present.

Over the past couple of weeks, he has been in meetings dealing with issues of cityhood and how to begin a new city. From those meetings, he can say that the newly elected Council is going to be faced immediately with some very important issues they will be making. As it was said the night of the referendum, now the real work begins. The election is over, all of the fun of the campaign trail is over, it is now time that they roll up their sleeves and get busy.

Dunwoody Homeowners Association has been involved in virtually every aspect of Dunwoody life over the history of DHA. They have worked with the Board of Commissioners, Dekalb County many times dealing with planning and zoning issues. They have heard many presentations by developers wanting to build something new. They deal with code enforcement issues and signage. They have been called the pansy police. In addition to all of that, they also sponsored two public information sessions at Dunwoody Methodist prior to the referendum. They sponsored one candidate forum which was held at Dunwoody Methodist. In all, something close to 2000 citizens attended those meetings. DHA stands for the citizens in Dunwoody. We will continue to do that in terms of trying to bring more information to you. They have served as the government but is now their pleasure to assist the new government. DHA will continue to serve much as they have in the past in assisting in knowing and understanding the Council members. Every resident of Dunwoody will be represented by 5 of the 7 members of the Council including the Mayor. As called for in the Charter, it is now time for the new City Council to step up and take on the responsibility. Dunwoody, we have a city.

### **Swearing in of Councilmembers and Mayor**

Mr. Jackson introduced Judge Cynthia J. Becker, Dekalb County Superior Court, to administer the oaths office to the Councilmembers: John Heneghan, Tom Taylor, Denis Shortal, Robert Wittenstein, and Mayor Ken Wright. They repeated the following:

"I do solemnly swear or affirm that I will faithfully execute the office of Councilmember/Mayor respectfully of the City of Dunwoody, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Dunwoody. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust

under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited for holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Dunwoody for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Dunwoody to the best of my ability without fear, favor, affections, reward, or expectation thereof, so help me God."

Judge Cynthia J. Becker administered the loyalty oath to the Mayor and Council members individually. They repeated the following:

"I, a citizen of the United States and being an employee of the City of Dunwoody, Georgia and the recipient of public funds for services rendered as such employee, do hereby solemnly swear and affirm that I will support the Constitution of the United States and the Constitution of Georgia, and that I am not a member of the Communist Party."

### **Introduction of Dignitaries**

Don Converse introduced the following dignitaries: Rep. Harry Geisinger, Dekalb County Commissioner Elaine Boyer, Sarah Vabulis, a representative of Congressman Tom Price's office, Federal Judge McCully, Candidate for Dekalb Superior Court Candidate Tom Stubbs, Dekalb Board of Education Candidate Pam Speaks, candidate Janet Webb, candidate Bob Fiscella, and Sandy Springs City Clerk Kristi Rowland who is the clerk for this evenings proceedings. He also introduced Jim Shehan and Herb Sprigg of the Dunwoody Homeowners Association.

### **Inaugural Speech**

Mayor Wright gave his inaugural speech:

"Thank you very much Gordon, and Bev, and Don for putting all of this together tonight. We certainly appreciate all the efforts to do what it takes. I do not consider myself a speech maker. I would like to point out a couple of things. I am a member of Dunwoody United Methodist Church up the street and a few weeks ago Dr. Wiley Stevens, who is our senior pastor was preaching to the congregation about stepping out of the boat and into the water. What I took away from that, which may not have been what I was supposed to take away from that, was to step out of your comfort zone and do some things that you wouldn't ordinarily do in your day to day lives. I think we all know it would be much easier to be sitting at home on the couch watching TV or reading a book but everybody just showing up tonight, you certainly stepped out of the boat and did something a little bit different; maybe a little inconvenient. I would like to thank our Council for stepping out of the boat and putting themselves and their families up for public consumption. I would also like to thank the candidates that ran that were not elected. Again, it took a lot of time and we had such a high caliber array of candidates to choose from. I think we can all be honored from what they did and putting themselves in the same situation as the Council in stepping out of their boat; hats off to those folks as well. Certainly for the hundreds if not thousands of volunteers during this whole process. It involved so many people from within and outside this community do different things on different days. It took a whole lot of work and was non-stop. Thank you to all the volunteers no matter what group you were in. Certainly the leadership down under the Gold Dome, Senator Weber and Representative Miller, it could not have been done without those folks. Thank those folks when you see them for stepping out of their boats and into the water.

I had read about good leadership and the qualities of good leadership. One of the big pieces is requiring someone to listen to diverse opinions and have open ears and sit down and talk. At the end of the day have the end of the person you are speaking with not fear retaliation. I am extremely confident that with this Council, we have elected a bunch of good leaders that are open to different things, open to you, the community, and open to the task at hand. I appreciate your leadership. At the end of the day, life takes a lot of twists and turns and we don't know what we are going to face from one day to the next. Not just in what we are doing from a civic service perspective, but also from a personal perspective, a health perspective and everything in between. With that in mind, I think Council shares my philosophy that it is imperative that we treat each other with mutual respect and admiration. That's not just among ourselves, but back to the community and the community back to us. I look forward to this new City and that kind of cooperation and I think you should look forward to that as well.

The past few weeks, you have heard a lot of people talk about history and the historical perspective of what we have been going through in the past years. It's hard for me and it may be hard for some of you to think of present day being something historical. If you have problems doing that, I brought with me documents given to me by Herb Sprigg. This show the forward thinking things that the DHA got involved with and really planted a lot of the seeds that we see in Dunwoody today from the architecture to the way things are laid out. I saw Herb not too long ago and he gave me a

yellow folder and told me to take a look at it. I sat down that evening and within that folder there were a lot of neat pieces of history. I brought the folder with me so if any of you are interested in seeing it. This particular piece is about a huge group of citizens in Dunwoody holding a public meeting on February 17, 1971. That meeting was to talk about the City of Dunwoody. Coincidentally enough, February 17 is my birthday so in 1971, I was two years old but we had a lot of leaders in this community that were gathering and trying to formulate how Dunwoody could form a city. I just wanted to point out a couple of issues in this pamphlet. They talk about what is to be gained. A community say in land use planning and zoning. A community boundary which can not be overrun for rezoning or other purposes. It goes on and on but if you read this, it could have been written five months ago. What's most intriguing to me on the back, it says "Rather than risk defeat, should the city question go to the people for determination. The group which does not want to see local control is concentrating on stopping the Charter in the legislature." It goes on to talk about what happened.

Where we are today, in large measure, is to the folks back in 1972 who really got the ball rolling for us. It took 38 years. I thought that was an interesting piece to share with you.

One of the last things I'd like to state is this is going to be a difficult process and I can guarantee you there is no body sitting on this stage that expects nothing but blood, sweat, and tears. If you look at what we are doing, we're starting something from scratch. If any of you have ever started anything from scratch, it is a lot of work and ends up being about a thousand times more work than you initially expected. Make no mistake, we are prepared and up for the challenge. We will represent you in a way that you can be proud of who you elected.

Independence is never an easy thing. I think back and think of analogies. When you graduate from college and get that first job, many times you couldn't be more excited about the opportunity. It's a wonderful thing. Then a lot of reality starts to set in. You get the big bills coming in. You have to pay for insurance and \$7.00 per gallon gas. Independence is not going to be easy. We are prepared for the task.

The other thing I would like to point out as I probably have this last opportunity in a semi-public forum to make a speech; make no mistake, there are people within this community and outside the community that want this city to fail. They are just grasping at pieces to see that we fail. There are people that have their letters pinned to the AJC and the Crier ready to go regarding our city. Believe me again when I say, we are up to the challenge.

As I read some of these things in other cities, I find it interesting. Sometimes a negative is not a negative. I read articles regarding Milton's sewer wars or Sandy Springs zoning wars. On initial thought, you think, look at the mess that city is in. But when you step back and look at what is happening in that process, you have local elected officials debating and discussing with local electorate these critical issues. At the end of the day, does that mean there is no debate? No it doesn't. Does that mean we are going to be 100% on the same page? No it doesn't. What it does mean is that you are going to have a voice within your city and within your Council. It doesn't guarantee that whatever the issue is, you are going to be on the side that you hoped you were in. But you are going to be there and you are going to have the opportunity to be there and you will be involved should you choose to be. That is a whole lot better than it just happening and you not having a single word in it. I hope everybody takes that to heart and remembers that as we face our challenges ahead.

With that I would just ask everybody to remember that we never lose site of what brought us here. That we never forget to teach younger generations about the hard work and the struggles it took for this community to come together; for this community to get a right to vote; and ultimately for this community to decide their destination. So please keep that in your hearts and keep that wisdom going for future generations. With that, thank you very much for allowing us to serve you."

#### **Closing Remarks**

Mr. Geisinger gave the closing remarks. He stated that eleven months ago the thought of Sandy Springs being its own city was still a twinkle in the eye of Eva Galambos and many others; however it was the culmination of thirty years of hard work and bringing it all together in the House and Senate that enabled its success to better than anyone had hoped. He congratulated the Mayor and introduced Rev. Kelly Barge for the Benediction.

#### **Benediction**

Monsignor R. Donald Kiernan, All Saints Church, gave the benediction. He stated the following:

"Before I give the prayer, I want to tell you something Mayor. I didn't step out of the boat but I did leave East Lake Country Club to come here tonight.

Let us bow our heads and reflect and ask Almighty God's presence among us tonight. Oh God of might and wisdom and justice, through whom laws are enacted and justice decreed, behold all of us assembled on this historic occasion this evening. We ask Almighty God that you give us the wisdom to guide us and to lead us. We ask Almighty God that you give us the strength to hold to our purposes. We ask Almighty God that you bless this Mayor and these young councilmen the citizens have chosen to lead them. Please know Mr. Mayor that we are behind you and we will not fail with God's help. Amen."

**Retirement of Colors**

Boy Scout Troop 764 retired the Colors.

**Dismissal**

Mr. Don Converse stated we are off and running as a city. The inauguration ceremony was then dismissed.

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Christina Rowland

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Ken Wright, Mayor

STATE OF GEORGIA  
DEKALB COUNTY

RESOLUTION NO. 2008-10-01

**A RESOLUTON ADOPTING AND APPROVING RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND PUBLIC HEARINGS FOR THE CITY OF DUNWOODY.**

**WHEREAS:** Well-organized meetings allow a City Council to reach decisions in a fair and consistent manner; and

**WHEREAS:** Efficiency is served when the process of planning and conducting public meetings is clearly stated and understood by public officials and citizens; and

**WHEREAS:** Public participation and access to the governmental decision-making process is a key element of an open and transparent organization.

**NOW, THEREFORE, BE IT RESOLVED** that all meetings of the Dunwoody City Council shall be conducted in accordance with the provisions of this meeting organization ordinance as outlined in the attached Rules and Procedures.

**SECTION 1.** That the Rules and Procedures for City Council Meetings and Public Hearings are adopted and attached hereto as if fully set forth herein; and

**SECTION 2.** That this Resolution shall become effective upon its adoption.

**SO RESOLVED** this the \_\_\_\_ day of \_\_\_\_\_, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

Approved as to Form and Content:

\_\_\_\_\_  
Acting City Clerk  
(Seal)

\_\_\_\_\_  
Acting City Attorney



## **RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND PUBLIC HEARINGS**

**Section 1. Open Meetings.** All meetings of the Mayor and City Council shall be held in accordance with the provisions of Title 50, Chapter 14 of the Official Code of Georgia Annotated. The public shall be afforded access to meetings other than Executive Sessions, in compliance with Georgia law. Only Executive Sessions held in accordance with Georgia law may be closed to the public.

**Section 2. Executive Sessions.** Executive sessions of the Council may be held for the purpose of discussing topics exempted from public access requirements by Title 50, Chapter 14 of the Official Code of Georgia Annotated. Meetings will only be closed to the public for the purposes allowed within State law.

**(a) Non-Exempt Topics.** If a Council Member attempts to discuss a non-exempt topic during an Executive Session, the Mayor shall immediately rule that Council Member out of order and such discussion shall cease. If the Council Member persists in discussing the non-exempt topic, the Mayor shall adjourn the meeting immediately.

**(b) Procedure For Entering Into Executive Sessions.** No Executive Session shall be held except pursuant to a majority affirmative vote of the City Council Members present with the vote taken in a public meeting. The minutes of the public meeting shall reflect the names of the Council Members present, those voting for the Executive Session, and the specific reasons for the Executive Session. All votes taken on items discussed in Executive Session shall be taken in an open meeting.

**(c) Executive Session Minutes.**

**(1) Executive Sessions Discussing Real Estate Acquisition.** Minutes of an Executive Session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting (Section 21) and shall be available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the action for acquisition of the real estate is taken, or decision is reached that the proposed acquisition is to be terminated, abandoned or until court actions are to be initiated through the use of condemnation proceedings.

**(2) Other Executive Sessions.** Minutes of Executive Sessions devoted to any permissible topic other than land acquisition shall be maintained by the clerk in accordance with State of Georgia law.

**(d) Mayor or Presiding Officer Affidavit.** The Mayor or other presiding officer shall execute an affidavit stating, under oath, that the Executive Session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific exemption to the open meetings law. The City Attorney shall review and approve the form of the affidavit to be utilized, as well as the completed affidavit to be executed for each Executive Session. The affidavit shall be notarized and filed with the minutes of the open meeting.

*[Cross Reference: O.C.G.A. §§ 50-14-2, 5-14-3 and 50-14-4]*

**Section 3. Visual and Sound Recordings.** Visual, sound, and visual and sound recordings shall be permitted for all public hearings, as long as such recordings are in accordance with State law.

*[Cross-reference: O.C.G.A. § 50-14-1(c)]*

**Section 4. Quorum.** A quorum must be present for conducting meetings of the City Council. A quorum is four (4) members of the City Council. Any Council Member may raise a point of order directed to the Mayor or presiding officer if he or she believes that a quorum is not present. If, during the course of a meeting, a Council Member or Council Members leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty (30) minutes, the meeting may be rescheduled by the Mayor or presiding officer with the approval of the Council Members present.

**Section 5. Mayor.** As provided in Article III, Section 3.01 of the City Charter, the presiding officer of the City Council shall be the Mayor. As presiding officer, he or she is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meetings in a fair manner. The Mayor may name a Sergeant-at-Arms to assist in maintaining the orderly conduct of the Council Meetings. As provided in Article II, Section 2.10, the Mayor is treated as one of the Council Members for quorum and voting purposes, and the Mayor may vote on all matters before the City Council.

**Section 6. Mayor Pro-Tempore.** The Council shall select a Mayor Pro-Tempore from the Council Members at the first meeting following each general election by a majority vote. The Mayor Pro-Tempore shall fulfill the duties of the Mayor if the Mayor is not in attendance. The Mayor Pro-Tempore shall serve a term of two years and until a successor is elected and qualified.

**Section 7. Presiding Officer.** If the Mayor and the Mayor pro-tem are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Council Members is present, the remaining Council Members shall select a Council Member to serve as presiding officer of the meeting until either the Mayor or Mayor pro-tem is present at the meeting.

**Section 8. Parliamentarian.** The City Attorney shall serve as the parliamentarian for City Council meetings.

**Section 9. Amendments to the Rules.** Any amendments to the rules of order shall be submitted by a Council Member in writing to the city manager three business days before a regular meeting of the City Council. The proposed amendment shall be included in the agenda for that meeting and distributed to all Council Members. All amendments require a two-thirds vote of the Council to be adopted.

**Section 10. Suspending the Rules of Order.** Rules of Order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the Council. Rules governing quorums, voting methods and requirements (Article II, Section 2.10), the notification to Council Members of meetings (Article II, Section 2.09) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the Governor or other authorized state official, the City Council may waive time-consuming procedures and formalities imposed by state law.

*[Cross-reference: O.C.G.A. § 38-3-54]*

**Section 11. Regular Meetings.** Regular meetings of the City Council shall be held at a time determined by majority vote of the City Council, but shall include at least one regular meeting per month, as provided in Article II, Section 2.09 (c). All regular meetings shall be held in the City Council meeting room, provided however, that other sites are allowed prior to the opening of City Hall or as provided by other sections of this document. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the City Council. Prior to the establishment of a regular meeting place, the public notice shall be posted at the location at which the meeting will be held.

*[Cross-reference: O.C.G. A. § 50-14-1(d)]*

**Section 12. Meetings Other Than Regular Meetings.** The City Council may meet at times and locations other than those regularly scheduled meetings.

**(a) Special Meetings and Rescheduled Regular Meetings.** A regular meeting may be canceled, rescheduled, recessed or moved to a new location within the City by the Mayor or by a majority of the Council in office for any reason. As provided in Article II, Section 2.09 of the City Charter, special meetings of the City Council may be held on call of the Mayor and one (1) councilmember or three (3) council members. Notice of such special meetings shall be served on all other members personally, by registered mail or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be required, if the Mayor and Council Members are present when the Special Meeting is called. Such notice of any Special Meeting may be waived by a Council Member in writing before or after such a meeting. Attendance at a meeting shall also constitute a waiver of notice on any business transacted in such Council Member's presence. Only the business stated in the call may be transacted at the Special Meeting. Notice to the public shall be given in accordance with State law.

**(b) Meetings With Less Than 24 Hours Notice.** When emergency circumstances occur, the City Council may hold a meeting as allowed by State law. When such meetings are to be held, the clerk shall provide notice to the legal organ of the city and to each member

of the city governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media and public.

*[Cross-reference: O.C.G.A. § 50-14-1-(d)]*

**(c) Meetings During a State of Emergency.** When it is imprudent, inexpedient or impossible to hold City Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the City Council may meet anywhere within or outside of the city. Such a meeting may be called by the Mayor and one councilmember or three (3) Council Members. At the meeting, the Council Members shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site.

*[Cross reference: O.C.G.A. §§ 50-14-1(d), 38-3-54, 38-3-55]*

**Section 13. Order of Business.** All regular City Council meetings shall substantially follow an established order of business. The order shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Minutes
5. Public Comment
6. Approval of Meeting Agenda
7. Consent Agenda
8. Organizational and Procedural Items
9. Reports and Presentations
10. Unfinished Business
11. New Business
12. Other Business
13. Public Comment
14. Adjournment

**Section 14. Agenda.** The City Manager shall prepare an agenda of subjects to be acted on for each meeting. Work session topics and Council agenda items shall be submitted consistent with the process established by the City Manager. An agenda approval meeting shall be held by the City Manager and the Mayor to finalize the agenda. The agenda shall be made available to the City Council at least one (1) day before every City Council meeting.

**(a) Requests For Agenda Items.** Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the City Manager.

**(b) Changing The Agenda.** The order of the agenda may be changed during a meeting by a majority vote of the City Council. A new item, other than a zoning decision, may be

added to the agenda by a majority vote of the City Council only if it becomes necessary to address the item during the meeting. An existing item may be removed from the agenda by the majority vote of the City Council.

**(c) Agenda Must Be Made Public.** The agenda of all matters to come before the City Council shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not less than 24 hours prior to the start of the meeting. Notice of the agenda for emergency meetings will be handled in accordance with State law.

*[Cross-reference: O.C.G.A. §§ 50-14-1(e)(1) and 36-66-4]*

**Section 15. Consent Agenda.** A consent agenda may be prepared by the City Manager for the City Council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the Mayor shall read all of the items on the consent agenda. If a Council Member objects to an item being on the consent agenda, the Council Member shall direct the move of that particular item to the regular agenda. Following the reading of the consent agenda, the Mayor may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved by a majority vote of the City Council.

**Section 16. Decorum.** All Council Members shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the Mayor and not to individual Council Members, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Council Member may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Council Member shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Council Member believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the City Council to debate the issue and decide by majority vote.

**Section 17. Voting.** Under normal circumstances, passage of a motion shall require the vote of at least four (4) Council Members, and must receive the affirmative vote of a majority of those voting at which a quorum is present. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the record, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

Except as otherwise provided in the City Charter, the affirmative vote of a majority of the Council Members present shall be required for the adoption of any ordinance, resolution or motion.

**Section 18. Abstentions.** No Council Member shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. If a conflict of interest does exist, the Council Member shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

**Section 19. Public Participation.** Public participation in meetings of the City Council shall be permitted in accordance with the provisions of this section.

**(a) Public Comments.** The floor shall be open for public comments at two points during the meeting. The first public comments section will be provided immediately following the approval of the meeting agenda. This public comments period will last a maximum of thirty minutes, and speakers' comments will be limited to three (3) minutes each.

In addition, the final agenda item of the meeting shall be reserved for comments from the public. Speakers' comments during this period will be limited to three (3) minutes each. All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council; provided, however, that if the applicants of rezoning actions or individuals who wish to oppose a rezoning action have contributed more than \$250 to the campaign of a Council Member, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five (5) calendar days prior to the first hearing by the City Council. Individuals will be held to established time limits. These limits may be waived by a majority vote of the City Council.

*[Cross-reference: O.C.G.A. § 36-67A-3]*

**(b) Public Hearings.** The City Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the City Council. Hearings may be held immediately prior to, during or following a meeting of the City Council or at such other places and times as the City Council may determine. Hearings require at least ten (10) minutes per side. These limits may be waived by a majority vote of the City Council. No official action shall be taken during any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

*[Cross-reference: O.C.G.A. §§ 36-66-4 and 36-66-5]*

**(c) Decorum.** Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with the rules of decorum that are established for Council Members. Individuals violating any rules of the City Council may be ruled out of order by the Mayor or on a point of order made by a Council Member. A majority vote of the City Council shall rule on the point of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the Mayor.

**Section 20. Meeting Summary.** A summary of the subjects acted upon in a meeting and the names of the Council Members present at a meeting shall be prepared by the City Clerk and made available to the public for inspection within two business days of the adjournment of the meeting. This summary will be noted as unofficial prior to adoption by the Council of the minutes for the meeting. *[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]*

**Section 21. Minutes.** The clerk of the City Council shall promptly record the minutes for each City Council meeting. The minutes shall specify the names of Council Members present at the

meeting, a description of each motion or other proposal made at the meeting, the name of the Council Member who proposed each motion, the name of the Council Member who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each Council Member voting for or against a proposal shall be recorded. It shall be presumed that a Council Member has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the City Council.

The City Council shall approve the minutes before they may be considered as an official record of the City Council. The minutes shall be open for public inspection once approved as official by the City Council but in no case later than immediately following the next regular meeting of the City Council. A copy of the minutes from the previous meeting shall be distributed to the City Council in the agenda package for the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the City Council at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Mayor and attested to by the clerk of the City Council.

*[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]*

**Section 22. Procedure and Deadline.** The Mayor and City Manager are authorized to establish detailed procedures and deadlines as necessary to ensure the effective organization of Council proceedings and orderly handling of business to come before the Council, in accordance with the Rules and Procedures adopted by the Mayor and Council.

**Section 23. Roberts Rules of Order.** This document shall serve as the rules and procedures of the Mayor and City Council. In the absence of applicable rules and procedures which may from time to time be encountered during the public meetings, Roberts Rules of Order shall be followed.

STATE OF GEORGIA  
COUNTY OF DEKALB

RESOLUTION 2008-10-02

**A RESOLUTION TO APPOINT AN ACTING CITY CLERK FOR THE CITY OF  
DUNWOODY**

**WHEREAS,** Pursuant to Article III of the City Charter, the Mayor and Council of the City of Dunwoody shall appoint a City Clerk; and

**WHEREAS,** The City Clerk shall be the custodian of the official Seal, maintain City Council records required by the City Charter, and perform other duties as required.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council for the City of Dunwoody that Christina Rowland is hereby appointed as the Acting City Clerk, effective this the 1<sup>st</sup> day of October, 2008.

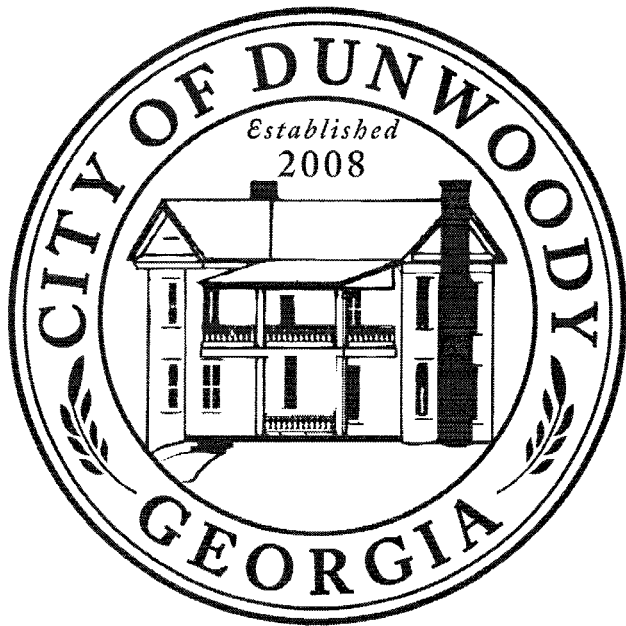
Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Acting City Clerk  
(Seal)





**STATE OF GEORGIA  
COUNTY OF DEKALB**

**RESOLUTION R2008-10-03**

**A RESOLUTION TO APPOINT AN ACTING CITY ATTORNEY FOR THE CITY OF  
DUNWOODY**

**WHEREAS,** The City of Dunwoody has the authority and duty pursuant to Article III, Section 3.08 of the City Charter to appoint a City Attorney; and

**WHEREAS,** The Mayor and City Council wish to appoint an Acting City Attorney pursuant to the City Charter; and

**WHEREAS,** The Acting City Attorney for Dunwoody is a current member of the State Bar of Georgia and actively practices law; and

**WHEREAS,** The appointed Acting City Attorney shall be responsible for representing and defending the City in all litigation and legal matters.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council for the City of Dunwoody that Brian Anderson, Esq. is hereby appointed as the Acting City Attorney, effective this 1<sup>st</sup> day of October, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Acting City Clerk  
(Seal)

STATE OF GEORGIA  
COUNTY OF DEKALB

RESOLUTION 2008-10-04

**A RESOLUTION TO APPROVE A CITY SEAL FOR USE BY THE CITY OF  
DUNWOODY**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council for the City of Dunwoody, while in session as follows:

**SECTION 1.** That the City Seal is hereby approved for use by the City as attached hereto; and

**SECTION 2.** That this approval be immediately effective; and

**SECTION 3.** That this Resolution shall become effective upon its adoption.

**SO RESOLVED AND EFFECTIVE**, this \_\_\_\_ day of \_\_\_\_\_, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Acting City Clerk  
(Seal)

RESOLUTION # 2008-10-05

**A RESOLUTION TO DESIGNATE THE DUNWOODY CRIER AND THE ATLANTA  
JOURNAL CONSTITUTION AS NEWSPAPERS FOR OFFICIAL PUBLICATION  
AND NOTICES (LEGAL ORGAN)**

**BE IT RESOLVED** by the City Council for the City of Dunwoody, GA while in regular session on October 1, 2008 at 7:00 p.m. as follows:

**SECTION 1.** That the Dunwoody Crier and the Atlanta Journal Constitution are hereby designated as the newspapers for official publications and notices (Legal Organ); and,

**SECTION 2.** That at the option of the City, official publications and notices shall be placed in either designated Legal Organ of the City; and,

**SECTION 2.** That this designation be effective October 1, 2008; and,

**SECTION 3.** That this Resolution shall become effective upon its adoption.

**SO RESOLVED** this the 1st day of October, 2008.

Approved:

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Ken Wright, Mayor

Attest:

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Acting City Clerk

(Seal)

**A RESOLUTION TO**  
**ESTABLISH A REGULAR CITY COUNCIL**  
**MEETING SCHEDULE FOR THE CALENDAR YEARS 2008-2009**

- WHEREAS:** The Mayor and City Council of the City of Dunwoody is required under the City Charter to hold regular monthly meetings and shall hold at least one meeting a month; and
- WHEREAS:** The Mayor and City Council for the City of Dunwoody find that the formation of a new city requires prompt action to fulfill their duties to the citizens and businesses of the City; and
- WHEREAS:** The Mayor and City Council of the City of Dunwoody have determined that in order to be a more effective governing body, they deem it necessary to authorize two scheduled meetings a month, and hereby designate the Second and Fourth Monday of each month; and
- WHEREAS:** The Mayor and City Council of the City of Dunwoody have determined that the Tuesday immediately following a National Holiday that falls upon a Second or Fourth Monday shall instead be the date of the City Council Meeting in such instances; and
- WHEREAS:** The Mayor and City Council of the City of Dunwoody have determined that in order to be a more effective governing body, they deem it necessary to authorize one scheduled Work Session a month, and hereby designate the Third Monday of each month; should the Third Monday of each month fall on a National Holiday, the Work Session shall instead be on the Tuesday after the Third Monday of each month; and
- WHEREAS:** The Mayor and City Council of the City of Dunwoody may hold additional meetings, should the need arise; and
- WHEREAS:** All meetings of the City Council shall be public to the extent required by law and the City Clerk or Designee shall give proper notice to the public of special meetings, as required by law.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council for the City of Dunwoody that scheduled meetings of the City Council, during the calendar year of 2008-2009, are to be held on the Second (2<sup>nd</sup>) and Fourth (4<sup>th</sup>) Monday of each month, and Work Sessions are to be held on the Third (3<sup>rd</sup>) Monday of each month, effective this the \_\_\_\_ day of \_\_\_\_\_, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Acting City Clerk

(Seal)

**A RESOLUTION ADOPTING THE CITY OF DUNWOODY MISSION STATEMENT,  
VISION AND VALUES STATEMENT AS GUIDELINES FOR ELECTED CITY  
OFFICIALS AND ACTIONS OF THE GOVERNING BODY OF THE CITY**

WHEREAS, The City of Dunwoody was created by Senate Bill 82, passed in the Georgia General Assembly during the 2008 session and subsequently confirmed by referendum in July, 2008; and

WHEREAS, Pursuant to Section 6.02 of the City Charter, the first members of the City Council were elected on September 16, 2008; and

WHEREAS, The Mayor and City Council of the City wish to adopt guidelines for acting properly as members of the City of Dunwoody governing body as well as in their communication with and representation of the Citizens of the City of Dunwoody; and

WHEREAS, The attached City of Dunwoody Mission Statement, Vision, and Values Statement outlines the guidelines by which members of the City of Dunwoody governing body promise to represent the citizens and the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council for the City of Dunwoody and it is resolved by the Authority of said City Council that the Mayor and City Council adopt the attached City of Dunwoody Mission Statement, Vision and Values Statement as the promise of the members of the City's governing body of their continued effort to represent themselves properly and ethically as members of the City Council and properly represent the citizens of the City.

**SO RESOLVED AND EFFECTIVE**, this the \_\_\_\_ day of \_\_\_\_\_, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Acting City Clerk  
(Seal)

# **CITY OF DUNWOODY MISSION STATEMENT, VISION AND VALUES STATEMENT**

## **MISSION STATEMENT**

The mission of the City of Dunwoody is to provide the highest quality of life for those who live, work or play in our community and to foster an environment where business can prosper. We will serve all stakeholders in a transparent manner with resourceful, efficient, progressive and professional leadership.

## **VISION**

The City of Dunwoody will provide quality service to our citizens and support the largest economic engine in the Southeast by planning in a careful and thoughtful manner. The City of Dunwoody will be inventive, transparent and embrace responsible progress which is tempered by our rich history and our desire to maintain a close but vibrant community atmosphere that values family life and entrepreneurial spirit. Dunwoody is a community where activities are centered around the family, our schools, our religious institutions, and our beautiful parks.

## **VALUES**

### **Goals**

The goals of the City of Dunwoody and its governing body are to make Dunwoody a better community, built on mutual respect and trust, and to promote and maintain the highest standards of personal and professional conduct amount all involved in City government – elected officials, City staff, volunteers, and members of the City's boards, commissions and committees.

### **Preamble**

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Dunwoody representatives intend to act pursuant to the ethics as delineated in the Charter in order to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government will subscribe to those ethics, understand how it applies to their specific responsibilities, and practice its values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code. As the governing body of the City of Dunwoody, we represent as follows:

**(1) As representatives of the City of Dunwoody, we will be ethical.**

**(a) We are trustworthy, acting with the utmost integrity and moral courage.**

- (b) We are truthful, do what we say we will do, and are dependable.
- (c) We will make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair the independence of our judgment and actions.
- (d) We will be fair, distributing benefits and burdens according to consistent and equitable criteria.
- (e) We will extend equal opportunities and due process to all parties in matters under consideration. If we engage in unilateral meetings and discussions, we do so without making voting decisions.
- (f) We will show respect for persons, confidences, and information designated as "confidential."
- (g) We will use our title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether we are exceeding or appearing to exceed our authority.

**(2) As representatives of the City of Dunwoody, we will be professional.**

- (a) We will apply our collective knowledge and expertise to our assigned activities and to the interpersonal relationships that are part of our job in a consistent, confident, competent, and productive manner.
- (b) We will approach our job and work-related relationships with a positive attitude.
- (c) We will keep our professional knowledge and skills current and growing.

**(3) As representatives of the City of Dunwoody, we will be service-oriented.**

- (a) We will provide friendly, receptive, and courteous service to everyone.
- (b) We will be attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- (c) In our interactions with constituents, we will be interested, engaged, and responsive.



**(4) As representatives of the City of Dunwoody, we will be fiscally responsible and transparent.**

- (a) We will make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability which are transparent to the City residents and businesses.
- (b) We will demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- (c) We will make good financial decisions that seek to preserve programs and services for City residents.

**(5) As representatives of the City of Dunwoody, we will be organized.**

- (a) We will act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- (b) We will follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- (c) We will be respectful of established City processes and guidelines.

**(6) As representatives of the City of Dunwoody, we will be communicative.**

- (a) We will convey the City's care for and commitment to its citizens.
- (b) We will communicate in various ways that we are approachable, open-minded and willing to participate in dialog.
- (c) We will engage in effective communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

**(7) As representatives of the City of Dunwoody, we will be collaborative.**

- (a) We will act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- (b) We will work towards consensus building and gain value from diverse opinions.
- (c) We will accomplish the goals and responsibilities of our individual positions, while respecting our roles as members of a team.

- (d) We will consider the broader regional and State-wide implications of the City's decisions and issues.

**(8) As representatives of the City of Dunwoody, we will be progressive.**

- (a) We will exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- (b) We will display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- (c) We will promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

**AN ORDINANCE PROVIDING FOR THE CONTINUATION OF ORDINANCE AND LAW DURING THE TRANSITION PERIOD LEGISLATIVELY ESTABLISHED FOR THE CITY OF DUNWOODY, GEORGIA, AND THE ADOPTION OF ORDINANCES BY THE CITY OF DUNWOODY, GEORGIA.**

**BE IT ORDAINED** by the City Council for the City of Dunwoody, Georgia, while in regular session on \_\_\_\_\_ at \_\_\_\_ p.m. as follows:

**SECTION 1.** That the General law of the State of Georgia provides for a transition period, not to exceed twenty-four (24) months, for the orderly transition of governmental functions from the county to a new municipal corporation during which the new municipal corporation can assume individual governmental functions as authorized by law. O.C.G.A. §36-31-8; and,

**SECTION 2.** That the Charter Act for the City of Dunwoody, Georgia (SB 82, General Assembly 2008) provides for the transition period beginning December 1, 2008, and ending at midnight on November 30, 2010, during which transition period, until assumed by the City, Dekalb County shall continue to provide within the territorial limits of Dunwoody all government services and functions which Dekalb County provided in that area as of the date of enactment of the Charter for Dunwoody, except as is otherwise provided by the Charter; and,

**SECTION 3.** That accordingly, it is hereby declared by the City Council for the City of Dunwoody that until: (1) repealed by the City Council by specific reference to the law or Ordinance of the Code of Dekalb County, or (2) the City Council adopts regulations by the valid passage and adoption of an ordinance by the City Council affirmatively replacing specific Dekalb County ordinances in conformance with the Charter of the City of Dunwoody, Georgia, and O.C.G.A. §36-31-8, all existing laws and ordinances of Dekalb County, in effect as of December 1, 2008 shall continue in full force and effect within the territorial limits of the City of Dunwoody for the term of the Charter transition period, or until otherwise repealed or replaced as contemplated herein. Subject to the following exception, to wit: as general law of the State of Georgia prohibits a local government from taking action resulting in a zoning decision without compliance with statutory requirements (O.C.G.A. Title 36, Chapter 66) the zoning ordinances of Dekalb County as relating to zoning procedures to be applied are specifically not continued as a part of the ordinances of the City of Dunwoody; and,

**SECTION 4.** The City Council hereby affirmatively adopts and enacts all of those provisions of the Dekalb County, Georgia Code of Ordinances, which are not repealed or replaced by those certain Ordinances of the City of Dunwoody, Georgia which are enacted contemporaneously herewith; and,

For the purposes of this adoption, and is consistent based upon the text of the ordinance, any reference contained in the Dekalb County Code of Ordinances to: (1) Dekalb County, Georgia shall be deemed to refer to the City of Dunwoody, Georgia; (2) the Dekalb County Board of Commissioners shall be deemed to refer to the Mayor and City Council

of Dunwoody, Georgia; (3) the County Manager shall be deemed to refer to the interim and/or permanent City Manager of Dunwoody, Georgia. Further, any duties or functions carried out by boards, authorities, commissions, and/or other entities in the Dekalb County Code of Ordinances shall be carried out by the Mayor and Council of Dunwoody, Georgia, or their duly authorized designees. Further, any other reference to any staff member or staff function set out in the Dekalb County Code of Ordinances shall be deemed to be the responsibility of the closest corresponding staff member or department in the City of Dunwoody, or the interim and/or permanent City Manager of Dunwoody, Georgia, or his/her duly authorized designees. It is the intent of this provision that as to the names, designations of persons or entities, and construction as to other issues, the existing Dekalb County Code be construed in a manner to allow for appropriate implementation as it applies within the City of Dunwoody.

Further, the City Clerk is directed forthwith to maintain a copy of the Official Code of Dekalb County, Georgia, as it exists on December 1, 2008 in the Office of the City Clerk of Dunwoody and to make the same available for public inspection upon request.

**SECTION 5.** That this Ordinance shall become effective on December 1, 2008.

**SECTION 6.** In the event that any one or more of the provisions contained in this ordinance shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not effect any other provisions of this ordinance, but this ordinance shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**ORDAINED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Acting City Clerk

\_\_\_\_\_  
Acting City Attorney

Seal

**AN ORDINANCE TO ADOPT AND APPROVE CHAPTER 1, GENERAL PROVISIONS, AND  
PROVIDING FOR INCLUSION AND IDENTIFICATION IN THE CODE OF ORDINANCES  
FOR THE CITY OF DUNWOODY, GEORGIA TO BE REFERENCED IN THE FUTURE AS  
CHAPTER 1 (GENERAL PROVISIONS) AS ATTACHED HERETO AND INCORPORATED  
HEREIN**

**WHEREAS:** The Ordinance relating to Chapter 1, General Provisions is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

**WHEREAS:** This Ordinance shall be designated as Chapter 1 of the Code of Ordinances of the City of Dunwoody, Georgia; and

**WHEREAS:** This Ordinance shall become effective on December 1, 2008.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF DUNWOODY HEREBY ORDAINS** that Chapter 1, General Provisions is hereby adopted and approved as part of the Code of Ordinances for the City of Dunwoody, Georgia. Any ordinances in conflict with this Ordinance are hereby repealed.

**SO ORDAINED AND EFFECTIVE** this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Acting City Clerk  
(Seal)

Approved as to Form and Content:

\_\_\_\_\_  
Acting City Attorney

## **Chapter 1: General Provisions**

### **Article 1: Code Established**

#### *Section 1: City Ordinance Defined*

The Ordinances embraced in the following chapters, articles and sections shall constitute and be designated "Code of Ordinances of the City of Dunwoody, Georgia" and may be so cited.

### **Article 2: Definitions and Rules of Construction**

#### *Section 1: Applicability.*

In the construction of this Code and of all ordinances, the rules of construction and definitions set out in this section shall be observed. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which contain any express provisions excluding such construction or where the subject matter or context of the section may be repugnant thereto.

#### *Section 2: Liberal construction; minimum requirements; overlapping provisions.*

- (a) The ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter when they shall have the signification attached to them by experts in such trade or with reference to such subject matter.
- (b) In all interpretations the courts shall look diligently for the intention of the city council, keeping in view, at all times, the old law, the evil, and the remedy. Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.
- (c) All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed to carry out the full intention of the City Council. In the interpretation and application of any provision of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (d) Where any provision of this Code imposes greater restrictions on the subject matter than the other provisions of this Code, the provisions imposing the greater restriction or regulation shall be deemed to be controlling. The specific provisions shall control over the general.

#### *Section 3: Terms Defined*

As consistent with the Charter, definitions shall be construed liberally in favor of the City.

*As soon as possible.* The term "as soon as possible" means within a reasonable time, having due regard to all the circumstances.

*County:* the word "county" shall mean DeKalb County, Georgia.

*City:* The word "City" refers to the City of Dunwoody, Georgia.

*Charter:* The word "Charter" refers to the enabling legislation creating a municipal charter for the City of Dunwoody, enacted as SB 82 during the General Session of the 2008 General Assembly.

*Computation of time.* When a number of days is prescribed for the exercise of any privilege or the discharge of any duty, the first and last day shall be counted. If the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise such privilege or to discharge the duty. When the last day prescribed for such action shall fall on a public or legal holiday as set forth in state law, the party having such privilege or duty shall have through the following business day to exercise such privilege or to discharge the duty. When the period of time prescribed is less than seven days, an intermediate Saturday, Sunday, and legal holiday shall be excluded in the computation.

*Code:* The word "Code" refers to the Code of Ordinances of the City of Dunwoody, Georgia.

*Council:* The word "Council" refers to the six Council members and the Mayor.

*Council Member:* The words "Council Member" refers to the individual members of the City Council, including the Mayor.

*Fire Department:* The term "Fire Department" shall refer to the DeKalb County Fire Department or the City of Dunwoody Fire Department, whichever provides services to the City of Dunwoody.

*Gender:* A word importing one (1) gender shall extend and be applied to the other genders, except where inappropriate.

*Keeper, proprietor.* The terms "keeper" and "proprietor" shall mean and include persons as the term "person" is defined herein, whether acting by themselves or through an agent or employee.

*Month.* The word "month" shall mean a calendar month.

*Number.* A word importing only the singular number may extend and be applied to several persons or things as well as to one (1) person or thing.

*Oath.* The word "oath" shall include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Officials:* The name or title of any officer or department shall be read as though the words "of the City of Dunwoody" were added thereto.

*O.C.G.A.:* The abbreviation "O.C.G.A." refers to the Official Code of Georgia Annotated.

*Owner.* The word "owner" applies to a building or land and shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or person in possession under a bond for title.

*Person:* The word "person" shall extend and be applied to firms, partnerships, associations, organizations, and bodies political and corporate, or any combination thereof, as well as to individuals.

*Personal property.* The words "personal property" shall include every species of property except real property, as herein defined.

*Police:* The term "Police" shall refer to the Police Department or Police Chief of DeKalb County or of the City of Dunwoody, whichever is serving as the police force for the City.

*Preceding, following.* The words "preceding" and "following" shall mean next before and next after respectively.

*Property.* The word "property" shall include real and personal property.

*Public place:* The term "public place" shall mean any park, cemetery, shopping center, schoolyard, or open space adjacent thereto, or any area available and accessible to the public, regardless of whether privately or publicly owned.

*Real Property.* The words "real property" shall include lands, tenements, and hereditaments.

*Shall, may.* The term "shall" is mandatory; the term "may" is permissive.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

*Signature or subscription:* The terms "signature" and "subscription" include a mark when the person cannot write.

*State:* The words "the State" or "this State" shall mean the State of Georgia.

*Street:* The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto and area owned or dedicated as public right of way, within the City.



*Tenant, occupant.* The terms “tenant” and “occupant,” applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present. Title of officer or official. Whenever the title of an officer is given, it shall be construed as though the words “of the City of Dunwoody” were added.

*Title of officer or official.* Whenever the title of an officer is given, it shall be construed as though the words “of the City of Dunwoody” were added.

*Week.* The word “week” shall mean seven (7) calendar days unless otherwise specified.

*Written, in writing.* The terms “written” and “in writing” shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

*Year.* The word “year” shall mean a calendar year.

#### *Section 4: Non-exclusivity*

Terms not defined by this section may be defined elsewhere in the Code.

### **Article 3: Violations**

#### *Section 1: Punishment*

- (a) Unless specified elsewhere in the Code, any violation of this Code shall be punishable up to a maximum penalty allowed by state law or the City charter.
- (b) All fines shall be paid into the City Treasury.
- (c) Community service may be substituted for the fine with the rate of hourly work set to that of the Federal Minimum Wage.
- (d) If it is deemed by a court of competent jurisdiction that a punishment imposed under this section conflicts with the laws of Georgia, then State law applies to that particular punishment.
- (e) In addition to the penalties provided in subsection (a), any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be abated by the City, as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

### **Article 4: Miscellaneous Provisions**

### *Section 1: Exercise of Powers*

The powers of the City may be exercised, as provided by the charter, by the City, and by the parties with whom the City contracts for municipal services.

### *Section 2: Severability*

It is declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

### *Section 3: Catchlines of Sections, Effect of Notes and References*

- (a) The catchlines of the several sections and subsections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections or subsections, nor as any part of the section or subsection, nor unless expressly so provided shall they be so deemed when any of such sections or subsections, including the catchlines, are amended or reenacted.
- (b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are intended merely to indicate the source of matter contained in the section. Editor's notes, Charter references and state law references and other references that appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.
- (c) All references to chapters, articles, divisions, subdivisions, or sections are to chapters, articles, divisions, subdivisions, or sections of this Code, unless otherwise specified.
- (d) References in city forms, documents, citations, and regulations to city ordinances codified in this Code shall be construed to apply to the corresponding provisions contained within this Code.

### *Section 4: Effect of Repeal of Ordinances*

- (a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- (b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect.

### *Section 5: Amendments to Code; effect of new ordinances; amendatory language*

(a) All ordinances passed subsequent to the passage of the ordinances originally Included herein, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and added hereto. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section of The Code of the City of Dunwoody, Georgia is hereby amended to read as follows: \_\_\_\_\_." The new provision may then be set out in full as desired.

(c) In the event a new section not theretofore existing in the Code is to be added, the following language may be used: "That The Code of the City of Dunwoody, Georgia is hereby amended by adding a section (or article or chapter) to be numbered \_\_\_\_\_, which said section (or article or chapter) reads as follows: \_\_\_\_\_." The new section (or article or chapter) may then be set out in full as desired.

(d) All sections, articles, chapters, or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

#### *Section 6: Supplementation of Code*

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Council. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement. Charter amendments may be included in like manner.

(b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

(i) Organize the ordinance material into appropriate subdivisions;

(ii) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

- (iii) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (iv) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ through \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated into the Code); and
- (v) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

#### *Section 7: Provisions Considered as Continuation of Existing Ordinances*

The provisions appearing in this Code, so far as they are substantially the same as ordinances existing at the time of the effective date of this Code, shall be considered continuations thereof and not as new enactments.

#### *Section 8: Altering Code, Ordinance or Other Public Document*

(a) It shall be unlawful for any person in the city to change or amend by additions or deletions, any part of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

(b) It shall be unlawful for any person to deface, mutilate, or in any other manner alter any ordinance book or minute book, or any notice posted by the city for the benefit of the public, or any other document or record of the municipal government of the city.

#### *Section 9: Certain Ordinances Not Affected by Code*

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (a) Any rates, fees or charges consistent with this Code;
- (b) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds for the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

(c) Any ordinance consistent with this Code prescribing traffic regulations for specific locations, such as prescribing through streets, parking limitations, parking prohibitions, one-way traffic or limitations on loads of vehicles or loading zones;

(d) Any ordinance consistent with this Code fixing salaries of, or providing policies and programs for, providing retirement, disability or death benefits for, officials, officers or employees of the city;

(e) Any budget ordinance or appropriation ordinance; any ordinance levying any tax;

(f) Any right or franchise granted by any ordinance or resolution;

(g) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way in the city;

(h) Any ordinance establishing and prescribing the street grades of any street in the city;

(i) Any ordinance providing for local improvements or assessing taxes for local improvements;

(j) Any ordinance dedicating or accepting any plat or subdivision in the city;

(k) Any ordinance establishing or changing the boundary of the city;

(l) Any zoning ordinance, use permit or any ordinance regulating subdivisions or any ordinance regulating signs or any ordinance regulating building design standards;

(m) Any resolution of the city not in conflict with this Code;

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**AN ORDINANCE TO ADOPT AND APPROVE CHAPTER 2, ADMINISTRATION,  
PROVIDING FOR INCLUSION AND IDENTIFICATION IN THE CODE OF ORDINANCES  
FOR THE CITY OF DUNWOODY, GEORGIA TO BE REFERENCED IN THE FUTURE AS  
CHAPTER 2 (ADMINISTRATION) AS ATTACHED HERETO AND INCORPORATED HEREIN**

**WHEREAS:** The Ordinance relating to Chapter 2, Administration is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

**WHEREAS:** This Ordinance shall be designated as Chapter 2 of the Code of Ordinances of the City of Dunwoody, Georgia; and

**WHEREAS:** This Ordinance shall become effective on December 1, 2008.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF DUNWOODY HEREBY ORDAINS** that Chapter 2, Administration, is hereby adopted and approved as part of the Code of Ordinances for the City of Dunwoody, Georgia. Any ordinance in conflict with this Ordinance is hereby repealed.

**SO ORDAINED AND EFFECTIVE** this the \_\_\_\_ day of \_\_\_\_\_, 2008.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Acting City Clerk  
(Seal)

Approved as to Form and Content:

\_\_\_\_\_  
Acting City Attorney

## **Chapter 2: Administration**

### **Article 1: General Provisions**

#### *Section 1: Meetings*

(a) *Meeting Times.* As described in Section 2.09 of the Charter, the Council shall meet at least once a month. Regular meetings shall be held on the second and fourth Mondays of each month at 7:00 p.m. The Council may designate alternative meeting times and days so long as the time is published either electronically on the City website or through other means, including posting at the building designated as City Hall at least 24 hours before the meeting.

(b) *Meetings scheduled on a Federal or State Holiday.* If the regular meeting falls on a Federal or State holiday, the Council may reschedule the meeting to the next Monday, and publish the time change as described in subsection (a) of this section.

(c) *Special Meetings.* Special meetings may be called in accordance with the Charter provision 2.09.

(d) Any meeting of the Council may be continued or adjourned from day to day, or for more than 1 day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

#### *Section 2: Open Meetings and Records*

(a) All meetings shall be held in accordance with the Georgia Open and Public Meetings Act codified at O.C.G.A. § 50-14-1 et seq.

(b) All City records subject to the Georgia Open Records Act, codified at O.C.G.A. 50-18-70 et seq, shall be available to the public. The City Clerk shall comply with any valid requests under the Georgia Open Records Act and prepare any materials requested.

#### *Section 3: Document Retention*

Pursuant to the Georgia Records Act, O.C.G.A. § 50-18-90 et seq, the City of Dunwoody adopts the records management plan and record retention schedules recommended by the Georgia Secretary of State as amended from time to time by future resolutions of the Mayor and Council of the City of Dunwoody. The City Clerk shall coordinate all records management for the City including storage, archiving, and destruction of records. Records shall be maintained according to approved retention schedules. All requests made under the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq, excepting standardized routine requests of the City of Dunwoody Police Department, the City of Dunwoody Fire Department, and the City of Dunwoody Municipal Court shall be made to the City Clerk. No record shall be destroyed except as provided in the approved retention schedule; provided, however, a written record may be destroyed if it is otherwise preserved by means of microfiche, scanning, or other reliable

photographic or digital means as permitted by law. Changes to the retention schedules shall be adopted by resolution of the Mayor and Council.

#### *Section 4: Fees*

The City Clerk shall charge the full amount permitted by Georgia law to copy the records subject to the Georgia Open Records Act. If compilation and replication of such documents takes more than 15 minutes, the City Clerk may charge an additional reasonable administrative charge.

#### *Section 5: Subpoenas*

(a) The Council, when sitting as a judicial or quasi-judicial body pursuant to public law, its charter, or its ordinances, shall compel the attendance of witnesses by subpoena under the same rules as prevail in the superior courts, and any witness who shall fail to respond to the subpoena, or who shall refuse to testify under oath, shall be guilty of contempt.

(b) The subpoenas as authorized in the preceding section shall bear witness in the name of the Mayor; shall be issued by the City Clerk; and shall be served by the Chief of Police, any police officer, or by such other person as the Mayor may designate.

(c) Should any person fail to respond to a subpoena of the Council, after having been lawfully served, without good cause, or should the person refuse to testify under oath, then the Council shall hold the person in contempt, and, in their discretion, punish the person by the imposition of a fine according to the maximum allowed by state law. Each of the failures or refusals herein described shall constitute a separate contempt.

#### *Section 6: Reimbursement and Travel*

(a) The Mayor and Council Members shall be reimbursed for their own reasonable travel expenses incurred in connection with City business related to travel outside the City, and those Cities that share borders with the City.

(b) Overnight Travel. The City shall reimburse the Mayor or Council members for actual expenses of meals incurred in connection with overnight travel, lodging, ground transportation and incidental expenses incurred in connection with City business.

(c) Expense Reports. Within 60 days after incurring the aforementioned expenditure(s), the Mayor or Council Members shall file with the City Manager a signed travel expense form setting forth the reasonable expenses incurred for which City payment is sought. Original receipts documenting each expense over \$10.00 must accompany the form, except for reasonable and customary out-of-pocket expenses such as tolls, valet services, gratuities, and mileage. If a travel expense form has not been filed within 60 days after incurring an expenditure, the City shall not reimburse such expenses.

(d) Notwithstanding any provision to the contrary, no expenses shall be reimbursed that exceeds the maximum expense amount allowed by the Charter.



## **Article 2: Personnel**

### *Section 1: Personnel Manual*

The City Manager shall establish a personnel manual for all municipal employees. In addition to sections deemed necessary by the City Manager, the manual shall include policies regarding equal employment opportunity, nondiscrimination, and sexual harassment. The manual will be updated from time to time as required by federal and state laws.

### *Section 2: Employees*

(a) In general, municipal employees shall be categorized as full time, part time or by terms decided by contract with the City.

(b) Municipal Employees. Full-time employees will be paid an hourly salary, weekly salary or some other pay rate; part-time employees will work at irregular intervals on a short-term basis, and temporary workers will be hired to fill a temporary need for a specified period of time.

(c) Contract Employees. The City Manager shall have the authority to propose contractual employment relationships between the City and third parties. The terms of these third party contracts will be established by the contract at the time of hiring. The Council must approve a contract worth more than \$25,000.00. Issues of liability and scope of agency are to be defined by the contract.

### *Section 3: Job Descriptions*

The City shall maintain a job specification for each position held by a Municipal Employee. The City may provide a job specification for contracted positions. Such specification shall describe the duties of the position, the qualifications necessary, licenses required, to whom such employee reports, expected salary range, and such other information as is necessary to recruit for such position effectively. Such specifications may be amended from time to time by the City Manager.

### *Section 4: Benefits*

It shall be the policy of the City of Dunwoody to attract and retain a qualified workforce through the provision of a comprehensive package of benefits. To that end, the City shall be authorized to contract with benefits providers for the purpose of providing insurance, retirement, pension plans and other benefits deemed necessary by the Council upon approval of the benefit program by the City Council. Eligibility for benefits and the cost to employees shall be specified in the Personnel Manual.

### *Section 5: Records*

The City shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

### **Article 3: City Departments**

#### *Section 1: Authorization*

The following departments may be established by the Council:

- (a) Administration
- (b) Finance
- (c) Community Development
- (d) Transportation
- (e) Public Works
- (f) Police
- (g) Fire & EMS
- (h) Parks and Recreation
- (i) Building

One or more department may be combined to form one or more multifunctional departments.

#### *Section 2: Right of Contract*

The City may contract with third parties to provide all or portions of the functions of any municipal department.

#### *Section 3: Oversight*

(a) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency.

### **Article 4: City Boards and Commissions**

#### *Section 1: Creation*

There may be created a Board of Zoning Appeals, a Design Review Board, a Historic Preservation Board, a Planning Commission, a Construction Board of Appeals, and an Alcohol Licensing and Appeals Board, which shall have the powers and duties and be subject to and governed by the regulations set forth in this Article and this Code. The duties of each Board are defined in the corresponding City Code section.

#### *Section 2: Composition*

All Board members must be appointed by the Mayor and approved by the Council.

### *Section 3: Membership*

(a) The Council shall determine by Resolution the number of members of each Board or Commission. Except as provided in subsection (b) below, the Council shall establish qualifications for members of each Board. Each Board member shall be nominated by the Mayor and approved by the Council. The Council shall determine if and at what amount Board members will be compensated.

(b) Except as otherwise provided herein, each Board or Commission member must be a resident of the City of Dunwoody. Should the Board member move out of the City; he or she may remain active until the Mayor and Council appoint his or her replacement.

(c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the Board.

### *Section 4: Terms*

(a) Each member shall serve a specified term of not more than 4 years. Consecutive terms are permissible, and terms may be staggered. Each member, but the Mayor and Council members that may serve on a Board, shall have equal terms of an amount to be specified by the Mayor.

(b) The Mayor and Council members may serve as ex-officio members without a vote on a Board or Commission so long as they remain elected to office. A former Council member or former Mayor may serve on a Board.

(c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.

(d) Any member may be removed for cause by the Mayor and a majority of the Council.

### *Section 5: Quorum*

A majority of actual Board members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

### *Section 6: Procedure*

(a) Each of the Boards shall adopt its rules of procedure, which shall be substantially similar to the Rules of Procedures of the City Council, and determine its time of meetings. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of Mayor and Council.

(b) Each of the Boards shall elect, annually, at its first meeting of the calendar year, one of its members to serve as Chair, and one to serve as Vice Chair. Each Board or Commission shall also appoint a Secretary to serve as the official record keeper for the Board or Commission. The

Secretary of the Planning Commission may be the Director of Community Development or his designee.

(c) All meetings at which official action is taken shall be open to the public and all records maintained by the Committee shall be public records unless expressly excepted by a provision of the Georgia Open Records Act. The Boards shall keep minutes of their formal proceedings, showing the vote of each member upon each question; and records of their examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the Council. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the Georgia Open Meetings and Open Records Acts.

### *Section 7: Training*

The Council may establish a mandatory training program for Board members.

### *Section 8: Additional Guidelines of the Planning Commission*

- (a) Any vacancy in the membership shall be filled in the same manner as the original appointment.
- (b) The Planning Commission may receive reimbursement for customary expenses incurred in conjunction with any authorized activity of the Planning Commission.
- (c) The Planning Commission shall meet monthly in accordance with an established schedule of meetings as prepared by the Dunwoody Department of Community Development.
- (d) It shall be the function and duty of the Planning Commission to review and make recommendation(s) for action by the Mayor and City Council on the following:
  - i. All applications for annexation, rezoning, master plans, concurrent ordinances and/or variances;
  - ii. Applications for use permits and modifications to same;
  - iii. Amendments to the text of the Dunwoody Zoning Ordinance, Dunwoody Subdivision Regulations, the Dunwoody Comprehensive Plan, the Future Land Use Map, and the Zoning Map.
  - iv. Perform other functions of the Planning Commission as may be required by Federal and State law.

Nothing contained herein shall prevent the Mayor and City Council from hereafter assigning other duties to the Planning Commission.

Nothing contained herein shall prevent the Mayor and City Council from hereafter assigning other duties to the Planning Commission.

- (e) Any application that is to be considered by the Planning Commission must be submitted to the Department of Community Development in accordance with the established filing schedule as prepared by said department or as stated in the Dunwoody Zoning Ordinance.
- (f) At the close of each public hearing, the Chair of the Planning Commission shall call the members to order for consideration and a vote on the issue currently before them. The vote of the Planning Commission shall be nonbinding and shall be made in the form of a recommendation to the Mayor and City Council from the following list:
  - 1. Approval as recommended by staff with recommended conditions;
  - 2. Approval as recommended by staff with revised conditions as presented by the Planning Commission;
  - 3. Denial.
- (g) The Planning Commission may move to table an item for a specified period of time in order to receive additional information necessary to make a recommendation to the Mayor and City Council. Should a request to table an item be made by the applicant and/or the property owner, the Planning Commission shall consider the request and if granted shall not table said request longer than for a period of ninety (90) days. The 90-day period shall begin on the same day the action is made by the Planning Commission. If the tabled item is not returned within the prescribed period, the item shall then be automatically withdrawn and shall be required to follow the prescribed and established procedure to re-file applications before the Planning Commission.

#### *Section 9: Additional Guidelines of the Design Review Board*

If created by Resolution of City Council, the Dunwoody Design Review Board shall consist of residents, land owners, business owners and professional architects and/or land planners, who either maintain primary residences and/or businesses or own land in the City. The Design Review Board shall review all plans for development in the City for compliance with standards delineated by the Community Guidelines as established in the City of Dunwoody Zoning Resolution or other ordinance of City Council, and shall make recommendations to the Department of Community Development prior to the approval of a Concept Plan, Land Disturbance Permit, Building Permit, or Sign Permit.

### **Article 5: City Advisory Committees**

#### *Section 1: Authorization*

The Mayor may establish Advisory Committees. Each Committee may have one or more Council members. The Mayor is an ex-officio member of every Committee. The City Manager

or a designee shall oversee the meetings of each Committee and is an ex-officio, non-voting, member of each.

### *Section 2: Duties*

- (a) Each Committee may, from time to time, propose policies and ordinances to the Council in the subjects germane to the Committee.
- (b) This section shall not be interpreted to require Committee approval for a measure to be heard before the Council.
- (c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the Committee.

### *Section 3: Membership*

- (a) Except as provided in subsection (b) below, the Mayor shall establish qualifications for members of each Committee. Each committeeperson shall be nominated by the Mayor and approved by the Council.
- (b) Each Committee member must be a resident of the City of Dunwoody. Should the Committee member move out of the City, he or she may remain active until the Mayor and Council appoint his or her replacement.

### *Section 4: Terms*

- (a) Each Committee member shall serve a specified term of not more than 4 years. Consecutive terms are permissible. Each Committee member, but the Mayor and Council members serving thereon, shall have staggered terms of an amount to be specified by the Mayor.
- (b) The Mayor and Council members on each Committee shall serve on that Committee so long as they remain elected to office. A former Council member or former Mayor may serve on a Committee, but such person shall not take the place of the elected member.
- (c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.
- (d) Any member may be removed with or without cause by the Mayor.

### *Section 5: Compensation*

Committee members may serve without compensation. Reasonable expenses for travel may be reimbursed and committee members may be compensated pursuant to a policy to be established by the City Manager and approved by the Council.

### *Section 6: Quorum*

A majority of actual Committee members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

### *Section 7: Procedure*

(a) Each of the Committees shall adopt its rules of procedure, which shall be substantially similar to the Rules of Procedure of the City Council, and determine its time of meetings. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the Mayor and Council.

(b) All meetings at which official action is taken shall be open to the public and all records maintained by the Committee shall be public records unless expressly excepted by a provision of the Georgia Open Records Act. The Committees shall keep minutes of their formal proceedings, showing the vote of each member upon each question; and records of their examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the Georgia Open Meetings and Open Records Acts.

(c) Expenditures of the Committees, if any, shall be within the amounts appropriated for the purpose intended by the Mayor and Council during the annual budgeting process.

### *Section 8: Training*

The Mayor may establish a mandatory training program for Committee members.

## **Article 6: City Finances**

### *Section 1: Fiscal Year*

The fiscal year of the City shall be set by Ordinance of the City Council.

### *Section 2: Finance Director*

(a) The functions of the City Accountant and City Treasurer shall be performed by the Finance Director or his/her designee with the Finance Department under the direction of the Finance Director.

(b) The Finance Director shall perform at least the following duties:

- (1) Managing, planning, directing, and maintaining the city's financial operations, including serving as chair of the city finance department, if such a department is established;

(2) Directing and supervising the work of personnel involved in performing the accounting, utility billing, property tax, payroll, and purchasing functions for the city;

(3) Providing technical leadership in budgeting, overseeing, and directing investment opportunities and debt administration, as well as ensuring proper record retention policies are strictly followed;

(4) The council may require the finance director to perform other duties.

(c) The City may contract with a third party to serve as Finance Director.

### *Section 2: City Tax Collector*

(a) The Mayor shall nominate a City Tax Collector, subject to ratification by the Council. The City Tax Collector also may serve as the City Treasurer, City Accountant, and City Finance Director.

(b) The City may contract with a third party, including the Tax commissioner of DeKalb County, Georgia, to serve as City Tax Collector.

(c) The City Tax Collector shall perform at least the following duties. The Mayor and Council may require the City Tax Collector to perform other duties:

(i) Managing, planning, and directing the collection of all City taxes.

(ii) Notifying delinquent taxpayers of their status in accordance with Georgia law.

### *Section 3: Audits*

(a) The City Council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with (a) the provisions of the charter, (b) the applicable city budget, and (c) applicable ordinances, resolutions, or other actions duly adopted or approved by the City council.

(b) The City Council shall appoint an auditor to perform an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the



public. As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

## **Article 7: Purchasing**

### *Section 1: Definitions*

When used in this Article, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any terms not defined by this Article shall have the meaning ascribed to them elsewhere in this Code.

(a) *City Finance Director* means the City Accountant, his agent, or the Chair of the City Finance Department, if such a department is created, or is in existence.

(b) *Construction* means the process of building, altering, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. The term "Construction" does not include the routine operation, repair and/or maintenance of existing structures, building, or real property.

(c) *Contract* means any City agreement, regardless of form or title, for the procurement or disposition of goods, commodities, and services.

(d) *Employee* means an individual drawing a salary or wage from the City whether on a full-time or part-time basis. The term shall encompass all members of the Governing Authority without regard to whether or not such individual is compensated.

(e) *Gifts or Favors* means any thing or any service of value.

(f) *Goods or Commodities* means supplies, apparatus, materials, equipment, and other forms of tangible personal property.

(g) *Governing Authority* means the City entity responsible for the contract.

(h) *Ordinance* means this Article.

(i) *Purchase Order* means the document used by the City to obtain supplies, goods, commodities and services from vendors.

(j) *Purchasing Agent* means the principal purchasing official of the City pursuant to Section 2 of this Article.

### *Section 2: Purchasing Agent*

(a) The Mayor may appoint the City Manager or his agent to serve as the Purchasing Agent for the City, or the Mayor may contract with an independent third party to serve as the Purchasing Agent.

(b) The purchasing agent shall have the following duties and powers:

(i) Arrange and negotiate the purchase or contract for all equipment, supplies, and contractual services for the city or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the city or any using agency;

(ii) Maintain a perpetual or periodic inventory record of all materials, supplies, or equipment stored in city storerooms, warehouses, and elsewhere, including monthly reports that provide:

A. The titles of all requests for proposals and the method of source selections to be used;

B. All contracts authorized by the council, the method of source selection used, and the total dollar amount;

C. All emergency contracts awarded pursuant to this article;

D. All change orders or contract modifications authorized by the council, the dollar amount, and the reason;

E. All change orders or contract modifications authorized by the purchasing agent, the dollar amount, and the reason; and

F. An explanation of any changes, and the costs involved, in the scope of services made between the time a contract is awarded and the time that a resolution authorizing the contract is sent to the council for adoption;

(iii) Control and supervise all city storerooms and warehouses, unless otherwise provided in this Code;

(iv) Develop and maintain a purchasing policy and procedure manual which will be updated by the purchasing agent periodically and approved by the City council;

(v) Direct efforts to procure services through advertisements of bids as required by this article and by state law;

(vi) Require bonds, insurance, and other forms of protection for the city on the process of procuring goods and services for the city;

(vii) Terminate solicitations for bids for any goods or services when, in the opinion of the purchasing agent, it is in the city's best interest to do so, including termination for breach of contract or anticipated breach of contract;

(viii) Reject any and all bids when, in the opinion of the purchasing agent, it is in the city's best interest;

(ix) Consult with the city attorney if a contracting party breaches or is reasonably anticipated to breach its contract with the city.

*Section 3: Legal representation.*

The city attorney represents the city in all legal matters and has the authority to provide standard terms and conditions of contracts and purchase orders and approves all contracts.

*Section 4. Purchasing policy.*

The purchasing policy, as amended from time to time and approved by Resolution of the City Council, is adopted by reference as if set out at length in this Code